

20
MEDICAL SOCIETY of the
COUNTY OF KINGS

REPORT

ON THE

STATUTES OF NEW YORK,

WHICH

REGULATE THE PRACTICE OF PHYSIC AND SURGERY, THE RIGHTS, DUTIES,
AND IMMUNITIES OF PHYSICIANS, AND THEIR RELATION TO
THE MEDICAL SOCIETIES OF THE COUNTIES.

PRESENTED TO

The Medical Society of the County of Kings,

AND ORDERED TO BE PRINTED,

TOGETHER WITH THE RESOLUTIONS OF

The Medical Society of the State of New York,

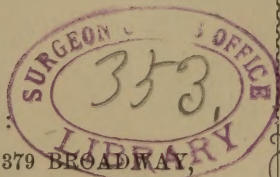
ON THE READING BEFORE IT OF AN ABSTRACT OF THE REPORT.

NEW YORK:

JOHN F. TROW, PRINTER, 377 & 379 BROADWAY,

CORNER OF WHITE STREET.

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REPORT.

THE Medical legislation of the State of New York, commenced with its earliest existence as an independent political community. Continuing in its provisions to the present moment, and composed of numerous enactments, repeals, and amendments, succeeding one another as the circumstances and wishes of the people demanded; it had become, from these causes, almost necessarily, somewhat complicated, and therefore difficult of interpretation.

But the act of the Legislature of the year 1844, must be especially regarded as having led to more doubt and practical confusion than those of any previous or subsequent years. It gave rise in the minds of many persons to opinions very prejudicial to the position and influence of the Medical Societies of the counties, and to that of the profession at large. Many were led to believe, that there remained, after the provisions of that act, no inducements for medical men to unite with those societies, inasmuch as there remained no powers or privileges connected with them.

It is therefore not surprising that medical men should find themselves in doubt, or that they should differ in opinion in respect to the law; as to what it requires of them individually; what rights it preserves to them, or what

immunities it confers upon them ; as to what are its provisions respecting the medical societies of the State and of the counties ; with what powers and functions it endows them, and what duties it enjoins upon them.

Much of this doubt and difference of opinion may be fairly attributed to the inherent difficulties of the subject ; yet after allowing to these their full weight, it remains due to truth to admit, that the idea of freedom from all restraints in those relations, created by law, between the County Medical Societies and the practising physicians residing within their limits, was to some of the latter not unwelcome. In the County of Kings, the increase of population has been great within the last ten or twelve years, and the influx of medical men, from various portions of the Union, and from foreign countries, has been fully in proportion to that increase. Many of these have been influenced (there is reason to believe) by the opinions or feelings above alluded to, to refuse or neglect to comply with the requirements of the law, as universally understood previous to the enactments of 1844. The position of these persons was found embarrassing to those physicians who, having complied with all the preliminary requirements of the statute, had united themselves to the Society of the county, and had thus become "authorized by law to practise their profession." These recognized certain duties, as imposed upon them by the laws of the State, certain by their own by-laws, and others by their code of Ethics, which in these circumstances it was unpleasant, or difficult to perform. Thus situated, and believing that a definite understanding of the laws of the State in relation to medical matters would harmonize conflicting views and practices, and thus greatly promote the comfort and dignity of medical men, and the proper influence and usefulness of those

societies which had been organized according to law, and whose jurisdiction had, until recently, extended without dispute, throughout the limits of the several counties of the State; the Society appointed a committee, whose duty it was made to inquire into the subject, and to report the results of their investigations.

Desirous to place the matter as completely as they might before the Society, the committee have examined with care the laws of the State relating to medical practice since the year 1797, when the first act, whose provisions extended throughout the entire State, was passed. This required the practitioner to procure a *certificate* from certain civil officers therein named, and to file the same in the office of the Clerk of the County in which he resided, under a penalty of twenty-five dollars for neglect or refusal. It was however found inadequate to secure the desired results.

The experience of a few years had taught men the folly of trusting to the wisdom of the masses, or to the probability or skill of empirics, for relief and safety in suffering and danger; and the condition of the community in relation to medical matters had become such, as to demonstrate to all intelligent observers the necessity of some well digested system of legislation for the "regulation of the practice of Physic and Surgery in this State." The profession was indeed at this period in a most depressed situation, and the evils of its condition were very manifest. Its members were but little respected, and their advice was received with little confidence by the community. Empiricism was rampant and unchecked. The comfort, dignity, and usefulness of the physician, and the health and safety of the community were alike imperilled; and the descriptions given by those who witnessed the scenes of

those days are well adapted to enhance our estimate of the advantages which we enjoy; to increase our sense of the gratitude which we owe to those through whose exertions they were procured and transmitted to us; and to warn us lest by undervaluing, neglecting, or abusing them we should endanger their continuance.

Feeling most keenly the damage and shame of this state of things, several physicians residing in the "rural districts" of Washington and Montgomery Counties, called a Convention which met at Ballston in 1805, adopted a memorial to the Legislature asking for the formation of a State and of County Societies; and appointed a committee to attend to its presentation to that body; and to procure the passage of a law in accordance with its request. This committee laid the subject before the Legislature of 1806, and aided by some of the most intelligent and influential members of that body (and they were men of large intelligence, of great capacity, and of liberal views), obtained the passage of an organic act, substantially the same as that of 1813.

In the year 1806, then, the first act for the incorporation of a State and of County Medical Societies was passed, laying the basis for all subsequent legislation on this subject. It was received with much gratification by the profession, and within three months after its passage, "twenty societies were formed pursuant to its provisions, and within two years scarcely a county in the State was without a duly organized Medical Society." By this act the Medical Societies *only* were empowered to issue "licenses to practise," thus removing that power from the *Civil* and placing it in the *Medical* authorities, where it has ever since (with some modifications) remained, with high advantage to the *scientific* attainments and *moral*

elevation of the profession. Practising without a license was by this law made punishable by inability to collect pay for services; and in 1807, a fine of \$5 per month was imposed on those convicted of violating its provisions. For years subsequent to this, improvement in the profession was steadily manifested. The standard of attainment was raised higher and higher. The protection of the profession and the wholesome restraint of impostors increased, and the confidence of the community in regularly authorized physicians, was steadily augmented.

In 1809 the degree of Doctor of Medicine from the University of the State was made a license to practise; of *equal validity* and subject to the same *restrictions* as a *license* from a county society. In 1812 the penalty against unlicensed practitioners was increased to \$25 for each offence, and licenses were required to be filed in a County Clerk's office. In 1813 these laws were revised and consolidated into one act, and with the exception of sections 12, 17, 20, and 21 (subsequently repealed), its provisions are believed to be still in force. In 1818 an amendatory act was passed making further requirements in regard to candidates for *license*, and instituting rules in regard to physicians or surgeons coming from another State or country, and, in 1819, section 17 of the act of 1813 was so amended as to reduce the amount which county societies might collect from each practising physician or surgeon within their limits, to one instead of three dollars per annum, to be applied to purposes therein mentioned.

On the revision of the statutes of this State, in 1827, some new and important provisions were introduced in regard to the duties of Medical Societies, their officers, and members. Heretofore the laws gave to the President of a County Medical Society no direct supervision of the practitioners of his county. But by the statute now passed, he

was required to serve, personally, a written notice on every physician and surgeon residing in the county, not a member of the society, directing him to apply for, and receive a certificate of membership, within 60 days after the service of such notice; the penalty of omission by the practitioner to comply, being as follows, viz.: "*his license shall be deemed forfeited, and he shall be subject to all the provisions and penalties of the laws of this State in relation to unlicensed physicians,* until upon a special application he shall be admitted to the society. The provisions and penalties provided by the same act, sec. xxii., were, that "every person not authorized by law, who for fee or reward shall practise physic or surgery within this State, shall be incapable to collect by suit any debt arising from such practice, and be deemed guilty of a misdemeanor, punishable by fine or imprisonment or both, in the discretion of the court in which he shall be convicted." The 3d section and onward provide for the punishment of a member of the society who shall be convicted after due process of law or trial by his fellow-members, of gross ignorance or misconduct in his profession, or of immoral conduct or habits; by expulsion from the society, or by the withdrawal of his license forever, or by suspension from practice for a limited period.

The *societies* were thus constituted the *judges* of the *qualifications* of the *Medical men* within their jurisdiction, and the *guardians* of the *public welfare*, in so far as the excluding unqualified or improper persons from practice was concerned.

The examination in which we have now been engaged has not failed to impress us with the conviction, that the legislators of this State had, during the half century which we have had under review, evinced a commendable solicitude to secure for the people the benefits of the best qualified

medical aid. By protection and immunities, and by subjecting its members at *first* to the supervision of certain *civil officers*, and subsequently to that of legally constituted *medical authorities*, and by requiring a compliance with definite rules and regulations, intended to secure competent scientific and practical attainments, and moral qualifications, in all its practitioners; by the disposition to create and foster institutions for the culture and dissemination of medical knowledge, and by the care with which they had arranged the process of the regular medical education, *they had evinced their high appreciation of the importance and responsibility of the medical profession*, and their anxiety to exclude from its ranks all mere pretenders to medical knowledge and skill.

The beneficial results of this policy did not, however, avail to preserve it from some of those modifications, which must be incident to all the institutions of society, in a land and an age so "progressive" as ours. Accordingly, in 1830, the provision for punishing "*unlicensed practitioners*" as for a misdemeanor by fine and imprisonment, was repealed, and a fine of \$25 for each offence, and inability to recover "any debt arising out of their practice," were relied on to restrain all illegal practitioners of the healing art, "except those who used or applied *roots, barks, or herbs*, the growth of the United States;" to whom the provisions of the act were not to be deemed or taken to extend." In May, 1836, the 17th section of title 7th, chapter 14th, of the Revised Statutes was amended so as to read as follows: "No person coming from another State or country shall practise physic or surgery in this State, until he shall have been examined and licensed by the censors of the State Medical Society." This enactment is worthy of special notice, inasmuch as it seems to indicate a line of policy which was afterward more

fully developed, by which, whilst there should be no relaxation of the law regulating the duties and immunities of regular physicians, and whilst additional defences might be erected against the encroachments of unqualified or unauthorized practitioners from *without* the State, yet the right to prescribe for the sick, and to collect payment for services rendered, should be extended to "all persons" other than "licensed physicians" *within* its borders.

Such was the state of the law until the passage of the act of 1844. The tide of popular opinion had commenced to turn. The profession, whose advancement was so manifestly connected with the greatest temporal good of the community, began to appear too highly favored. The spectre "monopoly" filled a large space in the popular vision. "For a number of years in succession (says another) our legislative halls were crowded with petitions for a repeal or modification of the medical laws, as unjust and oppressive, and their repeal was advocated on the ground that the clause preventing the unlicensed practitioner from suing and collecting his pay was oppressive; and this was urged by men of education and talent."

Yielding to this popular clamor, the people of the State of New York in Senate and Assembly represented, in May, 1844, enacted as follows:

§ 1st. The twenty-second section of chapter 14th, title 7th, part 1st, of the Revised Statutes, and all laws of this State which prohibit any person from recovering, by suit or action, any debt or demand arising from the practice of physic or surgery, or a compensation for services rendered in attending the sick, or in prescribing for the sick, are hereby repealed.

§ 2d. The act entitled, An act concerning the practice of physic and surgery in this State, passed April 7th, 1830, is hereby repealed.

§ 3d. No person shall be liable to any criminal prosecution or to indictment for practising physic and surgery without license, excepting in cases of malpractice or gross ignorance, or immoral conduct in such practice.

§ 4th. All and every person, not being a licensed physician, who shall practise physic or surgery, or who shall prescribe for or administer medicines or specifics to or for the sick, shall be liable for *damages in cases of malpractice*, as if such person were *duly* licensed to practise physic or surgery.

§ 5th. Any person (not being a licensed physician) who shall practise or profess to practise physic or surgery, or shall prescribe medicines or specifics for the sick, and shall in any court having cognizance thereof be convicted of gross ignorance, malpractice, or immoral conduct, shall be deemed guilty of a misdemeanor, and be liable to a fine not less than *fifty dollars*, and not exceeding *one thousand dollars*, or *imprisonment* in the county jail not less than *one month* nor exceeding *twelve months*, or *both*, in the discretion of the court. Such is the act of 1844. Let us now inquire what effect it has on the right to prescribe for the sick. Any person, "not being a licensed physician," might attend upon and prescribe for any sick person, and not be liable to an indictment for a *criminal offence*. Such prescribing, and attendance, was rendered by the act of 1830 no longer a misdemeanor, punishable by fine or imprisonment. But now, in addition, all persons had conferred upon them the legal right to *sue*, and *collect* payment for services so rendered. Should, however, such persons be charged with gross ignorance, malpractice, or immoral conduct, in such practice, they may be at once indicted and tried; and if found guilty, fined or imprisoned, or both, in the discretion of the court. But these liabilities do not apply to the licensed physician. His position is not affected by these

provisions. By the very terms of the statute, he is exempted from them. These enactments thus evidently have their only *direct* bearing on the *various divisions of the irregular host*; removing somewhat of the restraint that heretofore had existed on their practices; and although some injurious consequences to the profession may have followed from them, it *remains to be shown*, that it was the *intention* of the Legislature to embarrass *medical men*, or *medical societies*, or to impair their activity or usefulness. Their action in the passage of this law would, we think, be more fairly attributed to a desire to gratify the demand of that "*vox populi*," which in our land is elevated into the place of highest and ultimate authority, especially in the estimation of "*representative*" men.

It is, moreover, a great mistake, and one into which many persons have fallen, as well in this county as in other portions of the State, to conclude that there remains in the provisions of the law no distinction between "the licensed" and the "unlicensed" practitioner; a mistake fraught with evil consequences, especially to those regularly educated physicians who have been unfortunately influenced by it to decline compliance with the requisitions of the statute in regard to medical societies, and the filing of their diplomas and licenses; and thus been led to place themselves in the same ranks, and on the same *legal level*, with all the empirics and impostors of the day.

Having thus rapidly glanced at the chief points in the history of this legislation; having seen by what policy it was directed, during nearly half a century, and noticed the changes that from time to time had been introduced; and having hinted at the causes of such changes; we will proceed yet another step, and seek a solution of the questions indicated in the commencement of our remarks.

Following a natural order in our investigations, we should

be led to inquire—*First*, what constitutes a “licensed physician,” in the meaning of the statute law of this State? *Second*, what rights and immunities, if any, does the law still secure to the “licensed physician,” and what does it require of him? *Third*, what powers, privileges and duties still appertain to the medical societies of the counties?

The Revised Statutes, in the 16th section, 14th chapter, and title 7th, provides that “No person shall practise physic or surgery, unless he shall have received a license or diploma from one of the incorporated Medical Societies in this State, or the degree of Doctor of Medicine from the Regents of the University; or from some medical college having authority to confer the same; or shall have been duly authorized to practise by the laws of some other State or country. Section 19th requires that every person licensed to practise physic or surgery, or both, shall deposit a copy of such license with the clerk of the county where he resides; who shall file the same in his office; and until such license is so deposited, such person shall be liable to all the penalties provided by law, in the same manner as if he had no license. In section first of the same chapter, he is moreover, within sixty days after the reception of the proper notice from the President of the County Society, required to apply for a *certificate of admission into the Society*; and if he shall not, within the time specified in such notice, apply for a certificate of membership to such society, “his license shall be deemed forfeited, until on special application he shall be admitted a member of the Medical Society of the county in which he resides.” In case of a person coming from another State or country, it is moreover provided that he shall be examined by the Censors of the State Medical Society; have filed a copy of his diploma in the Clerk’s office of the county, and exhibited to the Medical Society of the county

satisfactory testimonials of his qualifications; or have been examined by its censors.—The *conclusion* then is *plain*, that no person who has not complied with *these* requisitions of the statute, can be considered a “*licensed physician.*” The *diploma of license* granted by the *medical societies* and the *degree of M. D.* by the colleges and universities, should be regarded to be in *effect only legal evidence of qualifications*, and *inoperative* until the forementioned legal requirements have been complied with by the physician.

But it has been loudly claimed that these provisions were rendered void by the law of 1844. If, in examining this point, we should repeat some of the statements and reasonings of the former portion of this paper, it will be the almost necessary consequence of the interconnections and relations of the subjects under consideration, and may not be wholly without benefit in impressing some important conclusions on our minds. Your committee assume that, as in the reviewer's edition of the Revised Statutes, published in 1848, no laws were retained, which were in the opinion of the reviewers, *inoperative*; either from their repeal, their amendment, or the conflicting provisions of other acts; it would be perfectly safe to conclude, that the provisions of all the statutes which were retained in that edition, were of equal force and effect, unless amended or repealed at a period subsequent to the date of their publication; and as all the acts since that date have been carefully examined by the committee, there remains no doubt in their minds of the correctness of the conclusions to which they have arrived. Tried by this rule, it will be found that the law of 1844 neither repealed nor enacted any thing which impaired the requirements of previous statutes, in regard to the *study of medicine*, the qualifications and duties of *physicians*, or the functions and duties of *medical societies*, or

affected the relations of the former to the latter. The whole *scope* indeed, and *bearing* of this act, as has been before intimated, is to *throw open* the *practice*, and to extend the *right to prescribe* for sick persons, to all who choose to avail themselves of its provisions, and to submit to the penalties which, in certain cases, are therein provided; and not to interfere with medical men, or medical colleges, or universities. It was not designed to break down the system of *medical education*, or abolish the *profession*, or to destroy the usefulness, or to take away the powers of *medical societies*. This very act, for which in some quarters these effects are claimed, expressly recognizes the existence of persons "duly, that is, legally licensed to practise." On its very face, there lies a broad distinction between the "all and every persons," who constitute the community at large; and "licensed physicians,"—"persons duly licensed to practise physic and surgery" therein mentioned. This distinction then is not abrogated; but distinctly *admitted* and *affirmed* by this act.

Heretofore these terms "licensed physicians" were never found in conjunction on the statute book of this State, but other terms were used to describe the persons intended by them.

"Persons licensed to practise physic or surgery," or both, are described in the statute as having received a license or diploma for that purpose, or the degree of Doctor of Medicine from some proper source in this State.

"Other persons" coming into this State who "have been duly authorized to practise by the laws of some other State or country, and have a diploma from some source in such country, legally authorized to confer it," are also described in the statute. No one of these persons as we have seen is permitted to practise physic or surgery, until he shall have deposited a copy of his license with the Clerk of the County;

and if from another country, until he shall have been examined and licensed by the censors of the State Medical Society; and on receiving a legal notice from the President of the County Society, he is required to apply for a certificate of membership in such society, and if he does not comply, his "license shall be deemed forfeited," and he shall be liable to all the penalties of the laws of this State in relation to "unlicensed physicians." Persons so refusing, most manifestly are not "duly" (that is, legally) "licensed to practise physic or surgery in this State." They are not the persons intended by these terms, in the 4th section of the act of 1844. Duly (that is, legally) licensed, they cannot be; inasmuch as they have never taken the concluding steps, they have never performed the crowning and completing act required by law, and upon the performance of which the permission to exercise the functions of a practising physician or surgeon in this State was based. Thus they have forfeited the very license under which they claim the right to exercise their vocation, by their *refusal* or *omission* to *comply with the conditions* on which it was granted.

THERE CAN BE NO DOUBT HERE. *The men who are in this position have no legal right to practise in this State by VIRTUE of any authority derived from any LICENSE or DEGREE, HOWEVER or by WHOMSOEVER conferred.* Their only right is that which they have in common with all "other persons," under the general provisions of the act of 1844.

But there is one other class of *medical men*, who are described in the statutes of this State. They are termed "physicians and surgeons authorized by law to practise their profession;" and in the act of 1844, "persons duly licensed to practise physic and surgery," and also "licensed physicians." These have received their diplomas of li-

cense, or of the degree of Doctor of Medicine, from some source legally authorized to confer them. They have filed a copy of them in the county clerk's office, and exhibited them to the Medical Society, and if necessary to meet the requirements of the medical law, have been examined and licensed by the censors of the State, or of the county society; and having been duly notified, have united themselves to the Medical Society of the county in which they reside. Doubtless *these*, and *these ONLY*, are "licensed physicians," persons duly authorized to practise physic and surgery."

Physicians, then, who refuse or omit to comply with the requirements of the law, do so to their own great damage. They place themselves on the same legal level with all the empirics of the day. They cast aside the protection accorded by the laws to "licensed physicians," and expose themselves to the possibility of the fine and imprisonment provided in the 5th section of this act of 1844, for those who are not "duly licensed to practise their profession." They are no longer members of an honorable profession. They have degraded *themselves*, and have no legal status above the common herd of empirics and impostors. They have voluntarily *descended* into the ranks of the "unlicensed," and thus swelled their numbers and given them their influence.

In these ranks are also included all "the other persons" who practise under the provisions of the act of 1844. These constitute the motley group of eclectics, botanics, electricians, animal magnetisers, clairvoyants, physicians "whose sands of life are nearly run out," and all the varieties of the tribes whose name is "legion." Most fervently will every honest man exclaim, "to such an assembly, mine honor, be not thou united." But the evils of such a position are most manifest, and it may be added

manifold, and need not here be dwelt upon. If to avoid these were the only result, compliance with the law would be a most signal benefit, and a duty which every true physician would owe to HIMSELF, as well as to the community in which he resides. Indeed, it is a problem not easily solved, how men of regular education, and of respectable, moral, and even of religious character, whose conduct is correct in other respects—how such men *can* consent to ally themselves to such *characters* and such *influences*—how they can so disregard the requirements of common morality, and the dictates of the “higher law,” as to promote by their example, that which the experience of the whole country, and the legislation of almost every State in this Union, have in some more or less emphatic manner condemned.

Having thus endeavored succinctly to discuss and to decide the questions in regard to the duties and requirements still enjoined by the laws of this State upon “licensed physicians,” and to draw the dividing line between these and all “other persons” practising medicine “or using roots, barks, or herbs, the growth of the United States;” we turn to another aspect of our subject, and inquire what inducements physicians still have to unite with the medical societies of the counties? The most of those inducements which grow out of a view of evils to be avoided, and of privileges and immunities to be retained by the individual, have naturally fallen under our consideration, while inquiring into the provisions of the law in relation to the whole subject, and need not be recapitulated.—We may here, however, add that the medical law still secures to the physician, who has complied with its requirements, civil advantages, in the safety and honor, the protection and privilege, which it confers upon him. He is not liable to

be summarily arrested for a misdemeanor, and thrust into prison with malefactors, and "fellow of the baser sort," on account of some unfortunate result of his practice. The means, also, of improvement given or received, the opportunities of professional intercourse, all that was ever connected with the societies, except the "monopoly of the trade," yet remain to their members. No rights have been taken from the profession by this famous act of 1844, and it may be a question whether indirect benefits may not accrue to physicians, as the result of this legislation.

Another, and that a most important legal right, which is conferred upon the physician and surgeon "who is authorized by law to practise his profession," and upon him ALONE, is that of TEACHING. The study of medicine must, according to the law of this State, be prosecuted for a specified time with some "physician or surgeon, duly authorized by law to practise his profession," nor will any amount of learning or of ability avail to satisfy the requirements of the statute, without this superadded qualification. The physician then who would teach must comply with all the requirements of the law, and thus become "duly authorized to practise his profession;" and then only is he "duly" qualified to teach that profession to others. This is a privilege and honor which it is believed few of us would lightly cast aside or willingly lose. The physician then who is true to himself, and to his profession, and obedient to the law, has still left to him legal *immunities* and *privileges of great value*.

In reference to this right to *teach*, the committee would remark in passing, that whilst it might be safe to rely upon the fidelity of the faculties of those colleges which constitute so important a portion of the machinery by which a regular medical education is to be obtained; all diligence

should be exercised to prevent the reception of certificates from any source as legal evidence of the term of study, except from the presidents of the medical societies of the counties in which students may have prosecuted their studies.

Excluding from our inquiries the question of conflicting jurisdiction and rights between those and the homeopathic societies constituted in accordance with the statute of 1857, we will in conclusion briefly examine the position of the COUNTY MEDICAL SOCIETIES in relation to this act.

They are, it appears to us, in no way modified or affected by it. They have still all *the powers conferred by the organizing act of 1813*, and by all subsequent acts which have modified and increased them.

They are corporate bodies, having the right to make their own by-laws concerning the admission, discipline, and expulsion of their members. They have the right to hold property to a certain amount specified by the statute.

They have a supervision, through their officers, of the students of each county, and the power to confer licenses to practise.

They are expressly *required*, by the statute, to extend its regulating and controlling provisions over all the *practising* physicians within their limits.

They are the constituted judges of charges which may be laid before them against any of their members; and can, therefore, extend legal protection to those who may be unjustly assailed, and sustain the innocent; and they can adjust the conflicting interests and regulate the intercourse of their members, in a manner, and with an authority unattainable by any *merely voluntary* associations.

If, gentlemen, the committee have succeeded in conveying to your minds the convictions which have been impressed upon their own, in this review and study of the

subject, undertaken at your request, the results will, they are confident, be manifested in the future condition and character of this society. Recalled to a juster appreciation of its position, as the only legal representative of the authorized medical profession within its territorial limits, it will, as an organ of the law, exercise its functions and powers with liberality, yet with fidelity and dignity. Whilst it will not shrink from the duty imposed upon it by law, of regulating the profession, it will gladly avail itself of the peculiar advantages which it possesses for the elevation and improvement of its members, and hasten to add to those already in operation for that purpose, all such means as increasing knowledge and advancing experience may approve and suggest. It will, moreover, thus give an impress to the medical character more defined, more imposing, more excellent, and more attractive to the community; a character which shall more than ever before, win their confidence and command their respect. Many circumstances at the present period favor our aspirations for a better state. The general mind of the profession is awake and alert. The spirit of the day is one of inquiry and advancement. Numbers amongst us are interrogating nature with a stern and resolute intention to extort truthful responses. The laws of health, the laws of disease, and the actions of remedies, are all subjected to incessant and searching investigations, unprecedented in the history of this country. The ultimate results cannot be other than beneficial. It remains for us as an organized body, endowed by the law with special "powers, immunities, and privileges," to give to this most commendable movement all our encouragement and all our aid. And it is *most clearly* the interest as well as the duty of each member of the profession to bring whatever of influence he may possess to these legal and acknowledged

centres, and thus assist in sustaining "these things that remain." They are worthy of our care. They are able to accomplish much for the welfare of their members, and for the benefit of the communities in which they are placed.

All which is respectfully submitted.

THEODORE L. MASON, M. D., <i>Chairman.</i>	} <i>Committee.</i>
C. L. MITCHELL, M. D.	
JOHN BALL, M. D.	

An abstract of this report having been presented to the *State Society* at its session, Feb. 1858, was ordered, together with the subjoined preamble and resolution which were unanimously adopted, to be printed in the "transactions" of that Society.

Whereas, In the opinion of this society, the statutes of our State regulating the practice of physic and surgery, are not in any way affected by the laws enacted in 1844, and therefore are now in full force ;

Resolved, That the Presidents of the different county Societies be earnestly requested to use all diligence in enforcing those requirements so plainly stated in the statutes as they exist.





